IN THE HIGH COURT OF JUDICATURE OF ANDHRA PRADESH AT HYDERABAD

THE HON'BLE SRI JUSTICE GOPALAKRISHNA TAMADA

Writ Petition No.2793 of 2002

Dated: 04-07-2007

Between:

S. A. Abbas Moosvi, s/o Syed Ahmed Moosvi.

... Petitioner

and

1. The Commissioner of Backward Classes Welfare Department, Andhra Pradesh, Hyderabad and 2 others.

... Respondents

ORDER:

Petitioner states that he is the absolute owner of the house bearing No.19-1-21/A/1 located at Langar Houz, Hyderabad and respondents have taken the said house on lease for the purpose of locating Backward Classes College Hostel in 1983. He further states that subsequently despite his protracted correspondence, though a revision of rent has taken place, respondents have not taken any steps to settle the amounts due to him towards arrears of rents. Hence, he filed the present writ petition seeking a *mandamus* to direct respondents to settle the dues which are payable to him, as per the

letters of second respondent dated
01-08-2001, 24-06-1999 and 12-01-1999 and also direct them to pay the rental amounts with interest at 18% per annum.

2. A detailed counter affidavit is filed on behalf of respondents denying the various averments made in the affidavit filed in support of the writ petition and it is stated that as petitioner failed to maintain the building properly, respondents had to rectify the already damaged walls, wiring etc., and thus the department had spent lot of amounts for avoiding inconvenience to its students. It is stated that in fact petitioner owes certain amounts to the department, but he is not paying the said amount.

3. Heard learned counsel for the parties.

4. Learned counsel for petitioner has drawn my attention to the proceedings of the District Backward Classes Welfare Officer made in Rc.No.A1/270/82, dated 24-06-1999 and also the letter of the Principal Secretary to the Government, B.C. Welfare Department, dated
01-08-2001.

5. But, however, as the proceedings dated 24-06-1999 is denied by respondents in their counter affidavit stating that third respondent – District Backward Classes Welfare Officer has no authority to say that they will pay the amounts, and as the Principal Secretary to Government, B.C. Welfare Department had clearly directed petitioner to meet first respondent – Commissioner of Backward Classes Welfare Department and settle the issue though discussions, I deem it appropriate to direct petitioner to approach first respondent and settle the issue amicably.

6. Accordingly, the writ petition is disposed of. No costs.

JUSTICE GOPALAKRISHNA TAMADA

Dt.04-07-2007
GLV